

BOARD OF APPEALS CASE NO. 5165

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BEFORE THE

**APPLICANT: Carl Sadler, Sadler Excavating
and Hattie Neuhauser**

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ZONING HEARING EXAMINER

**REQUEST: Special Exceptions and variances
to operate construction services and supplies
and store commercial vehicles and equipment
in the AG District; 4025 Norrisville Road,
Jarretteville**

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OF HARFORD COUNTY

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HEARING DATES: April 15, 2002

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**Hearing Advertised
Aegis: 2/20/02 & 2/27/02
Record: 2/22/02 & 3/1/02**

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Carl Sadler, t/a Sadler Excavating, and Hattie Neuhauser, are requesting the following relief:

1. A special exception pursuant to Section 267-53H(1) of the Harford County Code, to operate a construction services and suppliers business in an AG District.
2. A special exception pursuant to Section 267-53D(1) of the Harford County Code, to store commercial vehicles and equipment in an AG District.
3. A variance pursuant to Section 267-34C, Table II, of the Harford County Code, to allow an existing building to be used as part of the requested construction services and suppliers business with less than the required 40 foot side yard setback (23 feet existing) and with a use or building setback from an adjacent residential lot of less than the required 50 feet (23 feet proposed in an AG District).
4. A variance pursuant to Section 267-53H(1) to permit a construction services and suppliers use to be conducted on property without the required 10 foot buffer yard around the outside storage and parking areas adjacent to a residential lot or visible from a public road.
5. A variance pursuant to Section 267-53D(1)(a) of the Harford County Code to permit commercial vehicles and equipment storage on a property without being fully screened from view of adjacent residential lots.

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The subject parcel is located at 4025 Norrisville Road, Jarrettsville, MD 21084 and is more particularly identified on Tax Map 23, Grid 4E, Parcel 46. The subject parcel consists of 60.52 acres, is zoned AG/Agricultural and is entirely within the Fourth Election District.

The first witness to testify was Carl Sadler. Mr. Sadler said that he resides on the subject property and that he is the sole proprietor of Sadler Excavating, an excavating business that is operated on the subject property. He indicated that he started the business in 1988 and currently has four employees. He explained he believed at the time the business was started, the subject property was properly zoned for the business and did not realize that zoning approval to operate his business was required. He stated that when he first realized zoning approval was required he retained counsel to request special exception approval and setback variances to operate the business from the subject property. Mr. Sadler stated that his grandmother, Hattie Neuhauser, owns the subject property and has given him permission to operate the business from her property.

Using the site plan (Attachment 5A to the Staff Report), Mr. Sadler described the subject property. He pointed out the private right-of-way which provides access to the property (“right-of-way”) and the block building currently under construction (“Block Building”). He said that he wants permission to use the block building for vehicle and equipment storage as a part of his excavation business. He noted that there is existing screening on the subject property between the block building and the closest residence which is owned by his mother, Marilyn Bradford. He also indicated that the remainder of the subject property was cleared and was in active use as corn fields and was not appropriate for relocation of the business and block building. He also described the vehicles and equipment he wants to use in the business by referring to the list which was Attachment 12 to the Staff Report. Mr. Sadler explained that he was requesting permission to add a total of four additional vehicles and equipment for use in his business. Finally, he pointed out the area where the commercial vehicles and equipment will be stored.

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Mr. Sadler said that usually his employees arrive at the site between 6:00 - 6:30 a.m. The employees load their vehicles and equipment and then leave the subject property for the job site. He explained that his business generates very little activity during the day while the vehicles and equipment are at the job site. In the evening, the vehicles and equipment return to the subject property and the employees then leave the subject property to go home. Mr. Sadler said he only performs minor repairs to vehicles and equipment on site. Mr. Sadler stated that the seasons of the year and the weather affect his business operations. He said that business slows down when it rains and in the winter. Business activity generally increases in the summer.

Mr. Sadler testified that denial of the requested variances would cause him practical difficulty in that without them he would not be able to conduct his business from the subject property. He explained that he could not modify the site plan or conduct the use in a different way such that the requested variances are not necessary. He indicated that the block building is under construction. Therefore, it is not practical to move it. He also indicated that given the location of the existing parking lot, it was not practical to plant additional screening between the block building and his mother's home. He noted that there is already substantial screening on the subject property. He said that he had discussed his request with his mother and she had expressed no objection to that position.

Mr. Sadler also testified that he discussed his request with his neighbors and they did not object to his request. Letters of support of his application signed by his neighbors were introduced into evidence as Applicant's Exhibit 8. He said there has never been an accident on the right-of-way involving his vehicles or a complaint from other property owners who use the right-of-way about his vehicles using the right-of-way. Finally, Mr. Sadler testified that he had reviewed the conditions of approval recommended by the staff report and indicated that they were acceptable to him.

On cross-examination, Mr. Sadler testified that his father, Arvin Sadler, had never asked him to move Sadler Excavating equipment from the right-of-way. Mr. Sadler stated that if Arvin Sadler is concerned about Sadler Excavating equipment traveling onto Arvin Sadler's property, Mr. Sadler would erect a fence along the property line to ensure that that would not take place.

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On re-direct examination, Mr. Sadler indicated that he had never received a complaint from his father about Sadler Excavating vehicles using the right-of-way.

William Monk appeared next and qualified as an expert land planner employed by Morris & Ritchie Associates, Inc. Mr. Monk testified that he had been retained by the applicant to analyze his request for special exception approval for commercial vehicles and equipment storage, construction services and supplier's uses and the variances requested by the applicant. He stated in connection with his analysis he had reviewed the application, the staff report, tax maps, the zoning code, the zoning maps, the exhibits and the land use map. He testified he was familiar with the subject property and the surrounding neighborhood and had personally visited the subject property. He said he was present during and able to hear the testimony of Mr. Sadler. He further said that the description of the subject property and the surrounding neighborhood as set forth in the staff report was accurate. He said that he felt the zoning history of the subject property as set forth in the staff report was likewise accurate. Mr. Monk testified he heard Mr. Sadler's explanation of the applicant's request and had reviewed the site plan attached to the Staff Report.

Mr. Monk indicated he prepared a rendered version of the site plan which was introduced into evidence as Applicant's Exhibit 9. Mr. Monk testified that after reviewing the provisions of the Code which governs special exceptions in general and in particular construction services and suppliers uses and commercial vehicle and equipment storage, he agreed with the staff that the use as described by Mr. Sadler complied with all requirements for special exception approval pursuant to the Zoning Code except for the setback and screening requirements for which variances are being requested. Mr. Monk pointed out that there was an adjacent residential lot adjoining the subject property as defined in the Code. However, he noted that property was owned by Carl Sadler's mother, Marilyn Bradford and that according to Mr. Sadler, Ms. Bradford did not object to the applicant's request. Mr. Monk testified that in his opinion the requested uses would be compatible with other use as permitted as of right in the agricultural district. Mr. Monk pointed out that farming operations have a similar or greater impact than the impacts proposed by Mr. Sadler's use. He indicated that in his opinion approval of a special exceptions and development pursuant to the site plan would be consistent with good planning and zoning practices. He said that there are active farming operations in the vicinity of the subject property which create impacts and that the impacts for the Applicant's use would not be as significant.

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Mr. Monk testified that the use described by Mr. Sadler would not generate any adverse effects significantly different in character or intensity from the effects inherent in the operation of a construction services and supplier's use and a commercial vehicle and equipment storage use located elsewhere in the agricultural district. Mr. Monk testified that in his opinion the area surrounding the subject property is not materially different from other parts of Harford County zoned agricultural.

Mr. Monk pointed out that the Applicant's use is less intensive than other uses permitted in the AG district and that there are no factors indicating that disproportionate impacts would be caused by the applicant's use. He noted that the operation has been conducted for many years without complaint or problem. He explained that the property owner who would be most effected by the use, Mrs. Bradford, has obviously had no problems with the use and does not object to its continuance. He stated that in his opinion granting the special exceptions would not cause any adverse impact to surrounding properties given the low intensity of the use. Mr. Monk testified that he agreed with the staff's analysis as set forth in the Staff Report regarding the "Limitations, Guides and Standards" set forth in Section 267-9(l) of the Code.

Mr. Monk also testified that in his opinion the subject property is unique and contains topographical conditions which justify the requested variances. He emphasized that the block building is under construction and that the adjoining residential property is owned by Mr. Sadler's mother. He indicated that the block building's current location is the only feasible location on the subject property, given the subject property's topography and grade. Photographs showing the grade change on the subject property were introduced as Applicant's Exhibit 16. Mr. Monk testified that if the block building were to be moved away from the property line so that the requested setback variances were not required, substantial grading and filling would have to take place which would not be desirable. Mr. Monk testified that in his opinion these factors justified the granting of the requested variances. He indicated that he agreed that the requested variances would result in practical difficulty to the applicant if they were denied. It is impractical to move the block building and there is little impact caused by the block building's continued operation in its current location.

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He indicated that granting the requested variances would not be substantially detrimental to adjacent properties. Mr. Monk explained that the screening variances which were requested were also justified. He pointed out that good screening already exists between the Bradford residence and the block building. He said that it was his understanding that Mrs. Bradford did not want additional screening planted between her residence and the subject property and was not opposed to the operation of the Applicant's business.

Mr. Monk finally testified that the variances requested did not exceed the minimum adjustment necessary to relieve the hardship imposed by the little enforcement of the zoning code. He also said that all of the conditions recommended in the staff report of approval were appropriate as long as Condition No. 6 which requested a landscaping plan did not require screening which was the subject of the variance request to be planted.

Anthony S. McClune, representative of the Department of Planning and Zoning, appeared and stated the Department's position regarding the various requests. Mr. McClune summarized the Staff Report, which recommended conditional approval. Regarding the requested special exceptions, the Staff Report said that the use is located approximately 1800 feet off of Norrisville Road on a wooded parcel and cannot be seen from the road. There are no signs or evidence that the business exists except for the ingress and egress of the trucks and equipment from the site. Due to the terrain of the property, the farm crops and the dense area of woods, the use can only be seen from one property, which is owned by the Applicant's mother. The vehicles used by the Applicant should not create any more impact than tractors and other farm equipment that is used in the area on a regular basis. The staff report went on to say that the proposed uses are recognized as uses compatible with other uses in the AG District. The trucks and equipment used by the Applicant should not adversely impact the residences sharing the right-of-way used by the Applicant.

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Regarding the requested variances, the Staff Report indicated that because of the topography of the subject property, the block building does not meet the required forty (40) foot side yard setback or the fifty (50) foot use setback from an adjacent residential lot. The topography limits the building envelope without considerable filling and grading of the property. The only adjacent house that will be impacted by the reduced setbacks belongs to the Applicant's mother. The requests to eliminate the buffer yard and the requirement of screening from the adjacent residential lot, if approved, will not have an adverse impact of the intent of the Code or other adjacent properties.

Mr. McClune stated that Condition No. 6 recommended in the Staff Report was intended to require perimeter landscaping be planted and that no landscaping inconsistent with the variance request would be requested by the Department. Responding to questions posed by Arvin Sadler's counsel, Mr. McClune also said that when one compares the applicant's use to farming, the proposed use could have less impact. He explained that the use of farm equipment could cause a greater impact in that it is kept on the site and can be used for long periods of time. Mr. McClune pointed out that in typical construction service and supplier's uses, such as Mr. Sadler's business, vehicles and equipment are removed from the site every day and do not return until the evening. He noted that the equipment is not actually operated on the subject property except for purposes of transporting it to the jobsite. He pointed out that it is commonplace for such equipment to remain on the jobsite until the job is finished. In that event, the equipment could be gone from the subject property for days at a time. Mr. McClune testified that in his view, given the minor nature of the repairs to be performed by the applicant, allowing such repairs should not cause any adverse impacts to adjoining property owners.

Responding to questions posed by applicant's counsel, Mr. McClune also pointed out that the block building itself is a permitted use in the AG district and that no block building permit is required if used for agricultural purposes. It is only because the block building is being put to a commercial use that the additional setback and use restrictions are triggered. Mr. McClune pointed out that if the block building were used for the storage and repair of farm vehicles and equipment, no variance would be required at all.

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Arvin Sadler testified in opposition to the Applicant's request. He stated that he owns property which adjoins the right-of-way. He admitted that he is not an adjoining property owner and cannot see the block building from his property. He stated that he has no objection to the business operated by his son on the subject property or the location of the block building which is the subject of the applicant's request. He said that his sole concern was the potential impacts to his property from the vehicles used by his son in his business. Arvin Sadler indicated that the right-of-way entrance to MD Route 23 was so narrow that it was impossible for the vehicles and equipment used by his son to enter the right-of-way without traveling onto the Arvin Sadler property.

Arvin Sadler displayed an unrecorded and unsigned subdivision plat prepared by Highland Survey Associates, Inc. (Protestant's Exhibit 1), which purported to show the location of the property lines of the Arvin Sadler property in relationship to the right-of-way. Arvin Sadler admitted that the plat was not sealed, that he had not personally performed any survey work on the property and had not requested that Frank Richardson of Highland Survey Associates, Inc., who performed the survey work, testify in the case. Arvin Sadler stated that he simply placed a cone in the right-of-way where he thought Mr. Richardson had placed a survey pin identifying the corner of his property. Photographs showing the right-of-way and the location where Arvin Sadler claimed the property corner was located were introduced as Protestants Exhibits 12.

CONCLUSION:

The Applicants, Carl Sadler t/a Sadler Excavating and Hattie Neuhauser, are requesting the following relief:

1. A special exception pursuant to Section 267-53H(1) of the Harford County Code, to operate a Construction Services and Suppliers business in an AG District.
2. A special exception pursuant to Section 267-53D(1) of the Harford County Code to store commercial vehicles and equipment in an AG District.

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3. A variance pursuant to Section 267-34C, Table II of the Harford County Code, to allow an existing building to be used as part of the requested construction services and suppliers business with less than the required 40 foot side yard setback (23 feet existing) and with a use or building setback from an adjacent residential lot of less than the required 50 feet (23 feet proposed in an AG District.
4. A variance pursuant to Section 267-53H(1), to permit a construction services and suppliers use to be conducted on property without the required 10 foot buffer yard around the outside storage and parking areas adjacent to a residential lot or visible from a public road.
5. A variance pursuant to Section 267-53D(1)(a) of the Harford County Code, to permit commercial vehicles and equipment storage on a property without being fully screened from view of adjacent residential lots.

The applicable Code Sections follow:

Section 267-52

“General regulations.

- A. Special exceptions require the approval of the Board in accordance with § 267-9, Board of Appeals. The Board may impose such conditions, limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Part 1 and the public health, safety and welfare.
- B. A special exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.
- D. The Board may require a bond, irrevocable letter of credit or other appropriate guaranty as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- E. In the event that the development or use is not commenced within three (3) years from date of final decision after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Zoning Administrator shall have the authority to extend the approval for an additional twelve (12) months or any portion thereof.”

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Section 267-53H(1)

“Services.

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.”**

Section 267-53D

“Motor vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:**
 - (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.**
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.**
 - (c) A minimum parcel area of two (2) acres shall be provided.”**

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”**

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Turning first to the requests for special exception, the Hearing Examiner notes that the Maryland Courts that have examined the question of special exception approval have created a consistent body of law governing the requirements for approval. Under Maryland law, the special exception use is part of the comprehensive zoning plan sharing the presumption, that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in a particular case is in harmony with the general purpose and intent of the plan. Schultz v. Pritts, 291 Md. 1, 432 A. 2d 1319, 1325 (1981) (“Schultz”).

While the applicant in such a case has the burden of adducing testimony, which will show that, his use meets the prescribed standards and requirements of the zoning code, he does not have the burden of showing affirmatively that his proposed use accords with the general welfare. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely effect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material; but if there is not probative evidence of harm or disturbance in light of the nature of the zoning involved or of factors causing disharmony to the functioning of the comprehensive plan, a denial of an application for special exception is arbitrary, capricious, and illegal. Turner v. Hammond, 270 Md. 41, 54-55, 310 A. 2d 543, 550-551 (1973) (“Turner”). The appropriate standard to be used in determining whether a requested special exception use should be denied is whether there are facts and circumstances that show the particular use proposed at the particular location proposed would have any adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. See Schultz at 432 A. 2d 1327.

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The test is not whether there are adverse impacts associated with a special exception use but rather, acknowledging that there are such adverse impacts, whether they are greater than or different than those normally associated with that use if the use were conducted at some other location.

In Mossburg v. Montgomery County, 107 Md. App. 1, 666 A. 2d 1253 (1995) (“Mossburg”) the Court of Special Appeals had occasion to restate and clarify the law in Maryland regarding special exceptions. There the Court found that the Board of Appeals of Montgomery County improperly denied a special exception for a solid waste transfer station in an industrial zone. In reversing the Circuit Court, which upheld the Board's decision, the Court of Special Appeals found that the decision to deny the special exception was not based on substantial evidence of adverse impact at the subject site greater than or above and beyond impact elsewhere in the zone and, therefore, the decision was arbitrary and illegal. There the Court said:

The question in the case sub judice, therefore, is not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether the solid waste transfer station at issue here will have adverse effects at this proposed location. Certainly it will and those adverse effects are contemplated by the statute. The proper question is whether those adverse effects are above and beyond, i.e. greater here than they would generally be elsewhere within the areas of the County where they may be established, ... In other words, if it must be shown, as it must be, that the adverse effects at the particular site are greater or “above and beyond”, then it must be asked, greater than what? Above and beyond what? Once an applicant presents sufficient evidence establishing that his proposed use meets the requirements of the statute, even including that it has attached to it some inherent adverse impact, an otherwise silent record does not establish that that impact, however severe at a given location, is greater at that location than elsewhere. (emphasis supplied)

Thus, the Court of Special Appeals emphasized that once the applicant shows that it meets the requirements for the special exception under statute, the burden then shifts to the Protestants to show that impacts from the use at a particular location are greater at this location than elsewhere.

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In the instant case, the Hearing Examiner finds that the Applicant can meet or exceed all of the technical requirements of the Code. The parcel is zoned AG, it is greater than 2 acres in size, screening requirements can be met and the 10 foot buffer is subject to a variance request. Having met the technical burden of the statute, the Applicant must establish that this use, at this location will not have adverse impacts above and beyond those of a similar use at a different location. This business has operated in harmony with adjacent properties at this location since 1988 in essentially the same manner as it is operated at the present time. It is a business similar to other construction services and suppliers business found at many other locations throughout Harford County. The impacts associated with this particular business are no different and no greater than other similar businesses. There was not a scintilla of evidence produced to rebut that conclusion.

Turning next to the requests for variances, the Hearing Examiner notes the standards set forth in Section 267-11 which allows variances:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

Thus, in determining whether a particular variance should be granted or denied, the threshold question is whether the property has unique topographical features or characteristics. The Maryland Court of Special Appeals has provided guidance in matters of variance requests and described a two step analysis in determining whether such requests should be granted.

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According to the guidance provided by the Court, the variance process is a two-step sequential process:

1. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is, in and of itself, unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to impact disproportionately upon the property. If this finding cannot be made, the process stops and the variance must be denied. If, however, the first step results in a supportive finding of uniqueness or unusualness, then the second step in the process is taken.
2. The second step is a demonstration whether unreasonable hardship (or practical difficulty) results from the disproportionate impact of the ordinance caused by the property's uniqueness exists." Cromwell v. Ward, 102 Md. App. 691 (1995).

The Hearing Examiner concludes that the parcel is unique. The business and residential uses and structures are all oriented toward the service drive. The remainder of the parcel is engaged in active farming. The placement of the building is in harmony with the location of the business use and is the only practical location for such a building. At this location, unlike other potential locations on this large tract, screening is available and extensive grading and/or filling is not necessary. Additionally, if the Applicant were not permitted to use this existing block building he would need to create another block building at another location, certainly an unwarranted hardship. Even more important, the existing building would not need to be removed since, if used in the farming operation it would require no variances to remain in its present location. Neither the spirit nor the intent of the Harford County Zoning Code requires such an absurd result.

Clearly, Maryland Courts have adopted that same standard of reasonableness. The Court of Appeals of Maryland in McLean v. Soley, 270 Md. 208, 310 A. 2d 783 (1973) held that the following criteria are to be used for determining whether "practical difficulty" has been established:

1. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the use of the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.

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- 2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**
- 3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.**

An area variance may be granted where the applicant demonstrates practical difficulty or undue hardship or both. In this case the Applicant has demonstrated that denial of the variances would result in both practical difficulty and unwarranted hardship.

The requested variances will not be detrimental to adjoining properties and will not materially impair the purpose of the Code. Conditions of approval have been recommended by the Department of Planning and Zoning in this case that should be more than sufficient to address any possible impacts caused by the use. The opponent, Arvin Sadler, testified that the business operated by the Applicant was not objectionable and that he did not object to the location of the block building. The only property owner who could possibly be affected by the location of the block building or the Applicant's use is Mr. Sadler's mother and she does not object to the Applicant's request.

The single Protestant in the case, Mr. Arvin Sadler, did express concern that the Applicant's trucks could not safely enter or leave the property at Norrisville Road because of the narrowness of the service drive. The evidence presented, however, was anecdotal and ignored the facts that the Applicant has been using that point of ingress and egress for his equipment since 1988 without incident. The Protestant argued that the Applicant's trucks regularly crossed over onto the Protestant's property in entering Norrisville Road and pointed out how narrow the drive was. However, the Applicant disputed that was the case. The Hearing Examiner declines to get in the middle of a family property rights dispute and suggests that there are other avenues the Protestant may follow in enforcing his private property rights in this regard. As regards this Application a condition can be added requiring the Applicant not cross the Protestant's property as part of any recommended approval.

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For the above discussed reasons, the Hearing Examiner recommends approval of the Applicant's request, subject to the following conditions:

1. The Applicant shall submit a site plan to be reviewed and approved through the Development Advisory Committee.
2. The vehicles, equipment and supplies shall be stored in the block building or in the area designated on the Applicant's site plan (Attachments 5A & 5B). No vehicles or equipment shall be stored on the adjacent parcel shown as lands of Marilyn V. Bradford.
3. The approval shall be for the Applicant's use only.
4. The Applicant obtain all necessary permits and inspections for the block garage.
5. The number of employees shall be limited to eight (8).
6. A landscaping plan shall be submitted to the Department for review and approval.
7. The storage containers be relocated to the designated parking and storage area.
8. The Applicant shall be permitted to use up to a total of four (4) additional vehicles and pieces of equipment in the business beyond those shown on the list attached to the Department of Planning and Zoning's Staff Report as Attachment 12.
9. The Applicant shall not travel on the lands of Arvin Sadler while transporting vehicles and equipment to and from Maryland Route 23 to the subject property via the right-of-way.

Date JUNE 7, 2002

William F. Casey
Zoning Hearing Examiner